

U.S. District Court
Northern District of West Virginia (Wheeling)
CRIMINAL DOCKET FOR CASE #: 5:18-cr-00050-JPB-JPM-2

Case title: USA v. Hansard et al

Date Filed: 12/04/2018

Assigned to: District Judge John Preston
Bailey
Referred to: Magistrate Judge James P.
Mazzone

Defendant (2)

Kyuten J. Smith

also known as

Mitch

Pending Counts

Disposition

NARCOTICS - SELL, DISTRIBUTE, OR
DISPENSE

(1)

NARCOTICS - SELL, DISTRIBUTE, OR
DISPENSE

(2)

NARCOTICS - SELL, DISTRIBUTE, OR
DISPENSE

(4-5)

MANUFACTURE/DISTRIBUTE IN OR
NEAR SCHOOL/NARCOTICS

(8)

MANUFACTURE/DISTRIBUTE IN OR
NEAR SCHOOL/NARCOTICS

(10)

MANUFACTURE/DISTRIBUTE IN OR
NEAR SCHOOL/NARCOTICS

(13-14)

MANUFACTURE/DISTRIBUTE IN OR
NEAR SCHOOL/NARCOTICS

(18-21)

NARCOTICS - SELL, DISTRIBUTE, OR
DISPENSE

(26)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **L. Danae DeMasi-Lemon**

U.S. Attorney's Office - Wheeling

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Wheeling, WV 26003

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LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Retained***Stephen L. Vogrin**

U.S. Attorney's Office - Whg

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LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: United States Attorney*

Date Filed	#	Docket Text
12/04/2018	<u>1</u>	INDICTMENT w/Forfeiture as to Diego L. Hansard (1) count(s) 1, 28-29, 30, Kyuten J. Smith (2) count(s) 1, 2, 4-5, 8, 10, 13-14, 18-21, 26, Martinez Strong-Edmondson, Jr (3) count(s) 1, 3, 9, 16-17, 22-25, 28-29, Andre Hager (4) count(s) 1, 23, Brandon Suel

		(5) count(s) 1, 7, Joshua Ford (6) count(s) 1, 7, Michael L. Forrest, Jr (7) count(s) 1, 23-25, 27, Thomas W. Seals, Jr (8) count(s) 1, 6, Tajuan Smith (9) count(s) 1, 11-12, Tiffany Sells (10) count(s) 1, 15, 31. (copy to counsel via email) (nmm) Modified docket text to include Forfeiture language on 12/4/2018 (nmm). (Entered: 12/04/2018)
12/04/2018	2	*SEALED* Indictment - Unredacted, re 1 Indictment, as to All Defendants. (Attachments: # 1 Grand Jury Docket Sheet) (nmm) (Entered: 12/04/2018)
12/04/2018	3	MOTION to Seal by USA as to All Defendants. (nmm) (Entered: 12/04/2018)
12/04/2018	4	ORDER: granting 3 Motion to Seal as to All Defendants. Signed by Magistrate Judge James P. Mazzone on 12/4/2018. (nmm) (Entered: 12/04/2018)
12/06/2018		Case unsealed as to Diego L. Hansard, Kyuten J. Smith, Martenez Strong-Edmondson, Jr, Andre Hager, Brandon Suel, Joshua Ford, Michael L. Forrest, Jr, Thomas W. Seals, Jr, Tajuan Smith, Tiffany Sells pursuant to arrests. (lmm) (Entered: 12/06/2018)
12/12/2018	32	NOTICE OF ATTORNEY APPEARANCE L. Danae DeMasi-Lemon appearing for USA. <i>as Co-counsel</i> (DeMasi-Lemon, L. Danae) (Entered: 12/12/2018)

PACER Service Center			
Transaction Receipt			
12/13/2018 09:51:48			
PACER Login:	ud1808:4270461:4267454	Client Code:	
Description:	Docket Report	Search Criteria:	5:18-cr-00050-JPB-JPM
Billable Pages:	2	Cost:	0.20

FILED

DEC 4 2018

U.S. DISTRICT COURT-WVND
WHEELING, WV 26003

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

**DIEGO L. HANSARD aka RICO,
KYUTEN J. SMITH aka MITCH,
MARTENEZ STRONG-EDMONDSON,
JR. aka BO,
ANDRE HAGER aka ANDYMAN,
BRANDON SUEL aka CUZ
JOSHUA FORD aka FATBOY,
MICHAEL L. FORREST, JR. aka FLIP,
THOMAS W. SEALS, JR. aka KB,
TAJUAN SMITH aka POE and
TIFFANY SELLS AKA TIFANY SELLS,
Defendants.**

Criminal No. *5:18-CR-50*
Bailey

Violations: 18 U.S.C. § 2
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(B)
21 U.S.C. § 841(b)(1)(C)
21 U.S.C. § 846
21 U.S.C. § 856
21 U.S.C. § 860

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Conspiracy to Distribute Cocaine Base and Heroin)

During a period commencing on or about April 6, 2018, and ending on or about September 20, 2018, in Ohio County, within the Northern District of West Virginia, and elsewhere, defendants **DIEGO L. HANSARD aka RICO, KYUTEN J. SMITH aka MITCH, MARTENEZ STRONG-EDMONDSON, JR aka BO, ANDRE HAGER aka ANDYMAN, BRANDON SUEL aka CUZ, JOSHUA FORD aka FAT BOY, MICHAEL L. FORREST, JR. aka FLIP, THOMAS W. SEALS, JR. aka KB, TAJUAN SMITH aka POE, and TIFFANY SELLS AKA TIFANY SELLS**, and others, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding to violate Title 21, United States Code, Section 841(a)(1). It was a purpose and object of

the conspiracy to possess with intent to distribute and distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, and heroin, a Schedule I controlled substance; in violation of Title 21, United States Code, Sections 846, and 841(b)(1)(C).

COUNT TWO

(Distribution of Cocaine Base)

On or about April 12, 2018, in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$50 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THREE

(Distribution of Cocaine Base within 1,000 Feet of a Protected Location)

On or about April 17, 2018, in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$50 in United States currency; within 1,000 feet of the real property compromising Jensen Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT FOUR

(Distribution of Cocaine Base)

On or about April 19, 2018, in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$50 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIVE

(Distribution of Cocaine Base)

On or about April 25, 2018, in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$125 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIX

(Distribution of Cocaine Base within 1,000 feet of a Protected Location)

On or about May 4, 2018, in Ohio County, in the Northern District of West Virginia, defendant **THOMAS W. SEALS, JR. aka KB**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$100 in United States currency; within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT SEVEN

(Aiding and Abetting the Distribution of Cocaine Base within 1,000 Feet of a Protected Location)

On or about May 15, 2018, in Ohio County, in the Northern District of West Virginia, defendant **JOSHUA FORD aka FAT BOY and BRANDON SUEL aka CUZ**, aided and abetted by each other, unlawfully, knowingly, intentionally, and without authority, did distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$100 in United States currency within 1,000 feet of the real property comprising Jensen Playground; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT EIGHT

(Distribution of Cocaine Base within 1,000 feet of a Protected Location)

On or about May 15, 2018, in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$100 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT NINE

(Distribution of Cocaine Base within 1,000 feet of a Protected Location)

On or about May 25, 2018, in Ohio County, in the Northern District of West Virginia, defendant **MARTENEZ STRONG-EDMONDSON, JR. AKA BO** did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$60 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TEN

(Distribution of Cocaine Base within 1,000 feet of a Protected Location)

On or about May 30, 2018, in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$40 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT ELEVEN

(Distribution of Cocaine Base within 1,000 Feet of a Protected Location)

On or about June 18, 2018, in Ohio County, in the Northern District of West Virginia, defendant **TAJUAN SMITH aka POE**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$215 in United States currency; within 1,000 feet of the real property compromising Jensen Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT TWELVE

(Distribution of Cocaine Base within 1,000 Feet of a Protected Location)

On or about June 20, 2018, in Ohio County, in the Northern District of West Virginia, defendant **TAJUAN SMITH aka POE**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$100 in United States currency; within 1,000 feet of the real property compromising Jensen Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT THIRTEEN

(Distribution of Cocaine Base within 1,000 feet of a Protected Location)

On or about July 25, 2018, in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$50 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT FOURTEEN

(Distribution of Heroin within 1,000 feet of a Protected Location)

On or about July 25, 2018, in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in exchange for \$50 in United States currency, within 1,000 feet of the real property compromising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT FIFTEEN

(Distribution of Cocaine Base within 1,000 Feet of a Protected Location)

On or about July 27, 2018, in Ohio County, in the Northern District of West Virginia, defendant **TIFFANY SELLS AKA TIFANY SELLS**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$50 in United States currency; within 1,000 feet of the real property comprising Jensen Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT SIXTEEN

(Distribution of Cocaine Base within 1,000 feet of a Protected Location)

On or about August 1, 2018, in Ohio County, in the Northern District of West Virginia, defendant **MARTENEZ STRONG-EDMONDSON, JR. aka BO** did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$100 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT SEVENTEEN

(Distribution of Heroin within 1,000 feet of a Protected Location)

On or about August 1, 2018, in Ohio County, in the Northern District of West Virginia, defendant **MARTENEZ STRONG-EDMONDSON, JR. aka BO**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in exchange for \$100 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT EIGHTEEN

(Distribution of Cocaine Base within 1,000 feet of a Protected Location)

On or about August 9, 2018, at approximately 10:00 a.m., in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$50 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT NINETEEN

(Distribution of Heroin within 1,000 feet of a Protected Location)

On or about August 9, 2018, at approximately 10:00 a.m., in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in exchange for \$50 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT TWENTY

(Distribution of Cocaine Base within 1,000 feet of a Protected Location)

On or about August 9, 2018, at approximately 2:42 p.m., in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$50 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT TWENTY ONE

(Distribution of Heroin within 1,000 feet of a Protected Location)

On or about August 9, 2018, at approximately 2:42 p.m., in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in exchange for \$50 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT TWENTY TWO

(Distribution of Cocaine Base within 1,000 feet of a Protected Location)

On or about August 10, 2018, in Ohio County, in the Northern District of West Virginia, defendant **MARTENEZ STRONG-EDMONDSON, JR. aka BO**, did unlawfully, knowingly, intentionally, and without authority, did distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$100 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT TWENTY THREE

(Aiding and Abetting the Distribution of Heroin within 1,000 feet of a Protected Location)

On or about August 10, 2018, in Ohio County, in the Northern District of West Virginia, defendants **MARTENEZ STRONG-EDMONDSON, JR. aka BO, ANDRE HAGER aka ANDYMAN** and **MICHAEL L. FORREST, JR. aka FLIP** aided and abetted by each other, unlawfully, knowingly, intentionally, and without authority, did distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in exchange for \$100 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT TWENTY FOUR

(Aiding and Abetting the Distribution of Cocaine Base within 1,000 feet of a Protected Location)

On or about August 14, 2018, in Ohio County, in the Northern District of West Virginia, defendants **MARTENEZ STRONG-EDMONDSON, JR. aka BO** and **MICHAEL L. FORREST, JR. aka FLIP**, aided and abetted by each other, unlawfully, knowingly, intentionally, and without authority, did distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$50 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT TWENTY FIVE

(Aiding and Abetting the Distribution of Heroin within 1,000 feet of a Protected Location)

On or about August 14, 2018, in Ohio County, in the Northern District of West Virginia, defendants **MARTENEZ STRONG-EDMONDSON, JR. aka BO** and **MICHAEL L. FORREST, JR. aka FLIP**, aided and abetted by each other, unlawfully, knowingly, intentionally, and without authority, did distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in exchange for \$50 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT TWENTY SIX

(Possession with Intent to Distribute Cocaine Base)

On or about September 13, 2018, in Ohio County, in the Northern District of West Virginia, defendant **KYUTEN J. SMITH aka MITCH**, did unlawfully, knowingly, intentionally, and without authority, possess with the intent to distribute 28 grams or more of a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT TWENTY SEVEN

(Distribution of Cocaine Base within 1,000 feet of a Protected Location)

On or about September 14, 2018, in Ohio County, in the Northern District of West Virginia, defendant **MICHAEL L. FORREST, JR. aka FLIP**, did unlawfully, knowingly, intentionally, and without authority, distribute a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in exchange for \$100 in United States currency, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT TWENTY EIGHT

(Aiding and Abetting Possession with Intent to Distribute Cocaine Base and
Cocaine within 1,000 feet of a Protected Location)

On or about September 20, 2018, in Ohio County, in the Northern District of West Virginia, defendants **MARTENEZ STRONG-EDMONDSON, JR. aka BO** and **DIEGO L. HANSARD aka RICO**, aided and abetted by each other, did unlawfully, knowingly, intentionally, and without authority, possess with the intent to distribute a mixture and substance containing a detectable amount of cocaine base and cocaine, Schedule II controlled substances, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT TWENTY NINE

(Aiding and Abetting Possession with Intent to Distribute

Heroin within 1,000 feet of a Protected Location)

On or about September 20, 2018, in Ohio County, in the Northern District of West Virginia, defendant **MARTENEZ STRONG-EDMONDSON, JR. aka BO and DIEGO L. HANSARD aka RICO**, aided and abetted by each other, did unlawfully, knowingly, intentionally, and without authority, possess with the intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, within 1,000 feet of the real property comprising Pulaski Playground; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT THIRTY

(Maintaining Drug-involved Premises)

During a period commencing on or about April 6, 2018, and ending on or about September 20, 2018, in Ohio County, within the Northern District of West Virginia, defendant **DIEGO L. HANSARD aka RICO** did knowingly use and maintain a place located at 4335 Jacob Street, Wheeling, West Virginia, for the purpose of distributing and using any controlled substance, that is cocaine base and cocaine, Schedule II controlled substances and heroin, a Schedule I controlled substance; in violation of Title 21, United States Code, Section 856(a)(1) and (b).

COUNT THIRTY ONE

(Maintaining Drug-involved Premises)

During a period commencing on or about April 6, 2018, and ending on or about September 20, 2018, in Ohio County, within the Northern District of West Virginia, defendant **TIFFANY SELLS AKA TIFANY SELLS** did knowingly use and maintain a place located at 314 South Huron Street, Wheeling, West Virginia, for the purpose of distributing and using any controlled substance, that is cocaine base, a Schedule II controlled substances and heroin, a Schedule I controlled substance; in violation of Title 21, United States Code, Section 856(a)(1) and (b).

FORFEITURE ALLEGATION

Controlled Substance Act

1. Pursuant to Title 21, United States Code, Section 853 and Title 21, United States Code, Sections 841, and 856, the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any property used, or intended to be used, to commit or to facilitate the commission of the above referenced offense, and any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense, including, but not limited to:

a) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4335 Jacob Street, Wheeling, West Virginia, presently deeded to Diego HANSARD and more particularly described as:

Lot Numbered Forty-nine(49), as shown and designated on the Plat of LaGrange Addition to the Town of South Wheeling, now a part of the said City of Wheeling, said lot fronting on the west side of Jacob Street, between Forty-third and Forty-fourth Streets in said city, together with all the buildings and improvements situated thereon.

b) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 314 South Huron Street, Wheeling, West Virginia, presently deeded to TIFFANY SELLS AKA TIFANY SELLS and more particularly described as:

Parcel I

A certain piece or parcel of land situate on the east side of South Huron Street and south of Ohio street in the City of Wheeling, Ohio County, West Virginia, and being the south ten (10) feet off Lot Numbered Seventeen (17) and the north twenty (20) feet off Lot Numbered Sixteen (16) in William Armstrong's Addition to the said City of Wheeling, the same having a front of thirty (30) feet on the east side of South Huron Street and extending back on hundred and twenty (120) feet to an alley. Together with all and singular, the buildings and improvements situate thereon, and the hereditaments and appurtenances thereunto belonging.

Parcel II

The following described real estate situate in the City of Wheeling, Madison District, Ohio County, West Virginia:

All that said piece or parcel of land, lying and being, situate on the East side of Huron Street and south of Ohio Street, in that part of the City of Wheeling now or formerly called the Seventh Ward, being the North Twenty (20) feet of Lot Numbered Fifteen (15) and the South Ten (10) feet of Lot Numbered Sixteen (16) in William Armstrong's Addition to the City of Wheeling, marking a total front on Huron Street of Thirty (30) feet running East of even width to the alley in the rear One Hundred and twenty (120) feet.

2. Pursuant to Title 28, United States Code, Section 2461(c), the government will seek forfeiture of substitute property up to the value of property subject to direct forfeiture that is not available for forfeiture on account of any act or omission contemplated by Title 21, United States Code, Section 853(p)(1).

3. Pursuant to Title 21, United States Code, Section 853 and Title 21, United States Code, Section 841, the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any property used, or intended to be used, to commit or to facilitate the commission of the above referenced offense, and any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense, including \$1,476 in United States currency.

A True Bill,

/s/
Grand Jury Foreperson

/s/ WILLIAM J. POWELL
WILLIAM J. POWELL
UNITED STATES ATTORNEY

Stephen L. Vogrin
Assistant United States Attorney

UNITED STATES DISTRICT COURT

for the

Northern District of West Virginia

United States of America

v.

KYUTEN J. SMITH aka MITCH

Defendant

Case No. 5:18-CR-50-02

2018 DEC -5 AM 4:11

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Kyuten J. Smith aka Mitch

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
 ☐ Complaint
☐ Probation Violation Petition
 ☐ Supervised Release Violation Petition
 ☐ Violation Notice
 ☐ Order of the Court

This offense is briefly described as follows:

Conspiracy to Distribute Cocaine Base and Heroin 21 USC 846 and 841(b)(1)(C)
 Distribution of Cocaine Base 21 USC 841(a)(1) - 3 Counts
 Distribution of Cocaine Base within 1,000 feet of a Protected Location 21 USC 860 and 841(a)(1) - 6 Counts
 Distribution of Heroin within 1,000 feet of a Protected Location 21 USC 860 and 841(a)(1) - 3 Counts
 Possession with Intent to Distribute Cocaine Base 21 USC 841(a)(1)

Date: 12/04/2018

 Issuing officer's signature
City and state: Wheeling, WV

James P Mazzone, US Magistrate Judge

Printed name and title

Return

 This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

DEC 4 2018

U.S. DISTRICT COURT-WVND
WHEELING, WV 26003

UNITED STATES OF AMERICA,

Plaintiff,

V

Criminal No.: 5:18-CR- 50

DIEGO L. HANSARD, ET AL
Defendants.

UNITED STATES' MOTION FOR ORDER TO SEAL

Now comes the United States of America and William J. Powell, United States Attorney for the Northern District of West Virginia, by Stephen L. Vogrin, Assistant United States Attorney, for said District.

The United States moves the Court to seal this matter. The documents and proceedings in this matter relate to an ongoing investigation. If the matter is not sealed, the integrity of the investigation will be compromised.

WHEREFORE, the United States moves the Court to seal this matter until the arrest of any defendant upon the charges listed in the indictment.

Memorandum of Law

"The common law qualified right of access to the warrant papers is committed to the sound discretion of the judicial officer who issued the warrant...the officer may file all or some of the papers under seal for a stated time or until further order." Baltimore Sun Company v. Goetz, 886 F.2d 60, 65 (4th Cir. 1989).

Respectfully submitted,

WILLIAM J. POWELL
United States Attorney

By: /s/ Stephen L. Vogrin
Stephen L. Vogrin
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

DEC 4 2018

U.S. DISTRICT COURT-WVND
WHEELING, WV 26003

UNITED STATES OF AMERICA,

Plaintiff,

V

Criminal No.: 5:18-CR- 50

DIEGO L. HANSARD, ET AL

Defendants.

ORDER TO SEAL

On the 4th day of December, 2018, came the United States of America and William J. Powell, United States Attorney for the Northern District of West Virginia, by Stephen L. Vogrin, Assistant United States Attorney for said district, and moved the Court to seal this matter for the reason that lack of sealing would compromise the integrity of an ongoing investigation. It appearing that the interests of justice will be served, it is accordingly:

ORDERED that the Clerk of Court **seal this matter, including all documents and proceedings;**

ORDERED that the Clerk of Court shall **automatically unseal** and place among the public records the above-styled criminal action **upon the arrest of any defendant on the charges listed in the indictment;**

Notwithstanding this Order to Seal, the clerk is **FURTHER ORDERED** to send an electronic copy of the sealed Indictment to the United States Attorney's Office and the United States Marshals Service.

DATED: 12-4-18



JAMES P. MAZZONE
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

V

Criminal No.: 5:18-CR-50

Judge Bailey

DIEGO L. HANSARD, ET AL

Defendants.

NOTICE OF APPEARANCE OF CO-COUNSEL

Now comes the United States of America and requests the Court to note the appearance of L. Danae Demasi-Lemon, Assistant United States Attorney for the Northern District of West Virginia, as co-counsel for the United States in this matter.

Respectfully submitted,

**WILLIAM J. POWELL
UNITED STATES ATTORNEY**

By: /s/ L. Danae Demasi-Lemon
L. Danae Demasi-Lemon
Assistant United States Attorney

CERTIFICATE OF SERVICE

I, L. Danae Demasi-Lemon, Assistant United States Attorney, for the Northern District of West Virginia, hereby certify that I electronically filed the foregoing NOTICE OF APPEARANCE OF CO-COUNSEL with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to counsel for the defendants this 12th day of December, 2018.

Respectfully Submitted,

WILLIAM J. POWELL
United States Attorney

By: /s/ L. Danae Demasi-Lemon
L. Danae Demasi-Lemon
Assistant United States Attorney